

# **United States District Court**

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

CRAIG CUNNINGHAM

§

v.

§ Civil Action No. 4:19-CV-96

AIR VOICE, INC.

§ (Judge Mazzant/Judge Nowak)

§

§

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 14, 2020, the report of the Magistrate Judge (Dkt. #35) was entered containing proposed findings of fact and recommendations that Plaintiff Craig Cunningham's Motion for a Default Judgment and Request for a Hearing to Determine Damages (Dkt. #9), Renewed Motion for a Default Judgment and Request for a Hearing to Determine Damages (Dkt. #19), and Renewed Motion for a Default Judgment (Dkt. #23) be granted in part and denied in part, and Plaintiff should be awarded \$40,500.00 as statutory damages against Defendant Air Voice, Inc.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Plaintiff's Motion for a Default Judgment and Request for a Hearing to Determine Damages (Dkt. #9), Renewed Motion for a Default Judgment and Request for a Hearing to Determine Damages (Dkt. #19), and Renewed Motion for a Default Judgment

(Dkt. #23) are **GRANTED IN PART** and **DENIED IN PART**. A default judgment shall be entered for Plaintiff.

**IT IS SO ORDERED.**

**SIGNED** this 24th day of March, 2020.



Amos L. Mazzant  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE